

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

X

SECURITIES INVESTOR
PROTECTION CORPORATION,

Plaintiff-Appellant,

SIPA LIQUIDATION
(Substantively Consolidated)
Adv. Pro. No. 08-10789 (BRL)

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

X

In re:

Bankr. Case No. 08-1789 (BRL)

BERNARD L. MADOFF,

Debtor.

X

U.S. BANKRUPTCY COURT
2000 DEC - 9 A 9 19
S.D. OF NY
FILED

OBJECTION TO TRUSTEE'S DETERMINATION OF CLAIM

ELIZABETH A. PEPIN (the "Customer") hereby objects to the Notice of
Trustee's Determination of Claim (the "Determination") dated November 12, 2010.

BACKGROUND

1. On June 18, 2009, the Customer filed a customer claim, with supporting
documents (together, the "Claim"), which the Trustee has designated as Claim No.

010066. The Claim is incorporated hereby reference.

2. On or about November 12, 2010, the Trustee in this matter (the "Trustee")
sent the Customer the Determination, which denied the Claim in its entirety. The

Determination states only that the Customer did not have an account with Bernard L. Madoff Investment Securities ("BLMIS") and, thus, is not a customer under the Securities Investor Protection Act ("SIPA"). The Determination offers no other basis for the denial of the Claim in full.

3. The Customer was an investor with BLMIS through his or her participation in the Sterling Equities Employees Retirement Plan, a participant-directed 401(k) plan that held an account at BLMIS denominated 1KW182.

4. In connection with the determination of claims for claimants who did not have an account in his/her/its name at BLMIS ("the Customer Issue"), a scheduling order was entered regarding motion practice and a hearing concerning the Customer Issue. That motion practice and hearing, however, indisputably did not address ERISA claimants, such as Customer.

GROUND FOR OBJECTION

5. As required by this Court's December 23, 2008 "Order Approving Form and Manner of Publication and Mailing of Notices, Specifying Procedures for Filing, Determination and Adjudication of Claims and Providing Other Relief" (the "Claims Procedures Order"), the Customer files this Objection to preserve all claims and defenses set forth in the Claim.

6. The Customer is a "customer" of the debtor as defined by the plain language of SIPA and relevant case law because the Customer entrusted money to BLMIS for the purpose of investing, trading, or participating in the securities market. 15 U.S.C. § 78lll(2)(A).

Dated: New Fairfield, CT
November 22, 2010

ELIZABETH A. PEPIN

By: 